

App. No. 09/995,933

Request for reconsideration under 37 CFR §1.111

REMARKS

Claims 1-16 remain pending in the application. Claims 1 and 9 are independent claims. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Examiner has rejected Claims 1-2, 4-10, and 12-16 under 35 USC §103 as being unpatentable over Keitoku (US5036188) in view of Crimmins (US5103108) and Harwood (GB1500495A). Examiner has rejected Claims 3 and 11 under 35 USC §103 as being unpatentable over Keitoku (US5036188) in view of Crimmins (US5103108), Harwood (GB1500495A), and either of Haddock (US4912880) and Takahashi (US4921330). The rejections are overcome since it is believed that Claims 1-16 patentably distinguish over Keitoku, Crimmins, Harwood, Haddock, and Takahashi, for the reasons set forth hereinbelow.

In particular, Examiner has stated

Keitoku does not explicitly disclose purchasing or selling the hemispheric lens for retrofitting the remote-controlled electronic retail entertainment device. Harwood teaches a hemispheric lens attachment (figure) that is added (retrofit) to a known device (page 1, lines 75-78) to increase acceptance angles of the device (page 1, lines 23-26). It would have been obvious to one of ordinary skill in the art to retrofit the known device (figs. 8 and 9) of Keitoku with a lens like that of Keitoku in view of Crimmins as set forth above, as suggested by Harwood, to increase the acceptance angle of the device.

Applicant respectfully submits that the use of interchangeable lens assemblies with a camera body, as taught by Harwood, would not have suggested to one of ordinary skill in the art to modify a retail electronic entertainment device by adding a lens, as claimed in the instant application.

Consider two vastly differing scenarios for adding a lens to a "known device". In Harwood, the known device is a camera. Cameras are constructed with specific

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structures and/or mechanisms for allowing differing lenses to be employed as needed. The disclosure of Harwood specifically teaches this. At page 1 lines 60-62 Harwood states, "... the lens attachment 1 is arranged to be attached in a releasable manner ...", and at page 1 lines 79-85 further states, "Attachment 9 securing the lens attachment to the camera housing 10 is shown diagrammatically as a push-on sleeve but other suitable means, including co-operating screw threaded flanges or hold-down bolts or hinges, will be known to those skilled in the art." The camera and lens are designed to be repeatedly assembled and disassembled, and are constructed for that purpose.

In the claimed invention, the known device is a retail electronic entertainment device. Examples of such devices are given in the specification, and in dependent Claims 6, 8, 14, and 16. A majority of such devices are formed with mostly plastic housings, and are typically assembled using press-fit type connections or snap-in type connections, which once engaged typically cannot be disengaged. Such housings are not intended to be reopened, and often cannot be reopened without damaging or even destroying the housing. The retail electronic entertainment device is not typically intended to be repaired, let alone retrofitted in any way. These have become essentially disposable products.

In the claimed invention, the lens and the manner of retrofitting is adapted specifically for such a situation. The lens may be installed (i.e., the device may be retrofitted) without any disassembly of the device. Further, the device need not be constructed, configured, or adapted in any way for enabling the retrofitting of the claimed invention.

Applicant respectfully and emphatically submits that no one of skill in the art would infer from Harwood any suggestion to retrofit a retail electronic entertainment device in the manner claimed in the instant application. The lens of Harwood is specifically designed for assembling with a "known device" (the camera) that was designed and constructed to accept it. In being assembled with the lens, the camera is being used in the intended manner for its intended purpose by virtue of its design and construction. This assembly of camera and lens cannot be construed as "retrofitting".

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In contrast, the addition of a lens to a retail electronic entertainment device as recited in the claims is not an intended use of the device. There is no structure, configuration, or adaptation of the device for accommodating the lens, or for allowing its repeated attachment and removal. The addition of the lens (by retrofitting) alters the function of the device in a manner not contemplated by the designers or manufacturers of the device.

Therefore, the combination of cited references does not show, teach, or suggest all of the claim steps and limitations, and does not contain any suggestion or motivation for combining their respective teachings. Accordingly, Applicant respectfully submits the rejection is improper, and should be withdrawn.

In view of the above, it is submitted that Claims 1-16 are in condition for allowance. Reconsideration and withdrawal of the rejections are respectfully requested. Allowance of Claims 1-16 at an early date is earnestly solicited.

Respectfully submitted,



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